

## REMARKS

### Informalities

Election/Restriction. Claims 1-9 were determined to be subject to restriction as they pertain to separate and distinct inventions as follows:

- I. Claims 1-7, and 9 drawn to a method, classified in class 705, subclass 40.
- II. Claim 8 drawn to an apparatus, classified in class 707, subclass 4.

A preliminary election was made, without traverse, by Michael F. Krieger on January 14, 2002 to prosecute Invention group I, claims 1-7, and 9 of the application. Applicant is hereby affirming this election.

Claim Cancellation. Please cancel claim 8 from prosecution on the merits.

### Claim Rejections -- 35 U.S.C. § 112

Claims 1 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits the following to correct this deficiency. In response, applicant has amended claims 1 and 9 to correct the deficiencies as recited by the Examiner, specifically to provide proper antecedent basis to the claim elements and to correct the improper use of passive claim language.

### Claim Rejections -- 35 U.S.C. § 103

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,058,380 to Anderson et al., in view of United States Patent No. 6,018,736 to Gilai et al. In light of the above-identified amendments and the arguments as presented below, Applicant submits that neither Anderson, Gilai, nor the combination of these, renders the present invention obvious and that the rejection should be withdrawn.

As stated in the previous response, Anderson discloses a system and method for electronically processing invoice information, as well as requiring an intermediary to perform the functions of the invention as disclosed. Specifically, the intermediary in Anderson may be termed an invoice collections and payment-type intermediary, which functions to gather invoice and other relevant accounts payable information from several customers. This invoice and payment information is then used to direct payment to the several vendors corresponding to the submitted invoices. The intermediary in Anderson, along with the specific capabilities and functions of the type of intermediary disclosed in Anderson, is the central focus of the invention and performs the majority of tasks disclosed.

Anderson allows customers who are not EDI capable to pay vendors electronically because vendor invoices are actually physically delivered to the intermediary through traditional means, such as mail drop, etc. Once the intermediary has the invoices, payment can be made through electronic means or a check can be prepared, which can be mailed to the vendor upon approval by the customer. The customer is not required to be EDI capable because the intermediary takes care of payment after the customer approves the transaction. See Anderson Col. 8, ln. 57-67.

As the invoice collection and payment-type intermediary in Anderson requires each customer to submit their invoices to the intermediary, which then is responsible for paying each vendor, the customer is essentially taken out of the picture, other than to provide the intermediary with the necessary data to complete the transaction. For example, in Anderson all invoices are directed to the intermediary, not the customer, which then matches the invoices with vendor information and takes care of appropriate payment.

In the present invention, the fact that a customer may employ an electronic payment

system on his computer allowing the customer to determine which type of payment method is to be employed to pay a particular vendor is not disclosed in Anderson. In the present invention, an intermediary of the type described in Anderson is eliminated entirely. The only type of intermediary contemplated for use by the present invention system is a processing-only intermediary, such as a bank, that is capable of simply sending a paper check to a recipient at the request of a customer. A processing-only intermediary is not required to gather physical invoices or other information to remit payment, but instead, simply remits payment to a recipient according to a request coupled with payment instructions that is communicated to the intermediary by one authorized to make such a request (i.e., a customer as described in the present invention). In essence, the present invention operates from the standpoint of the customer or user, with little or no interaction with the vendor. In the present invention, all invoices, etc., are still directed to the customer, who can then use the technology of the present invention to pay vendors.

Also as previously argued, Anderson does not disclose the specific function of “determining” a preferred type of payment method for a plurality of vendors as does the present invention. According to the disclosure in Anderson, each payment method is not “determined,” but “pre-determined” or identified in a setup process by one or more ways. See Anderson col. 10, ln. 8-11; col. 13, ln. 20-67. This specifically teaches away from the capability of the present invention to electronically “determine” a preferred payment method to a vendor based upon certain vendor criteria, and then to remit payment to the vendor according to the determined payment method, all from the computer system of the customer. Indeed, the invoice collection and payment-type intermediary described in Anderson performs a significant portion of the payment to the vendor. In addition, there is no suggestion in Anderson pertaining to a method of

determining a “preferred payment method” from a plurality of payment methods using an electronic system due to the fact that Anderson uses an invoice collection and payment-type intermediary that collects the invoices directly as described above.

On the other hand, the present invention does not require the use of an intermediary in all cases. Indeed, if necessary, an intermediary is used when a vendor is incapable of receiving an electronic payment. In such a case, the customer is able to determine this using the method as claimed in claims 1-9 and then provides payment information to a processing intermediary, such as a bank, that then forwards a paper check to the vendor at the request of the customer.

Claim 1 of the present invention has been amended to clarify and emphasize these specific distinctions. Specifically, claim 1 has been amended to make it clear that the method of the present invention is substantially performed on the customer’s system and not by any other entity. Claim 1 recites that the present invention system and method eliminates the need for the very type of intermediary as described in Anderson. Thus, Anderson can be said to teach away from the present invention as it would not be obvious to one skilled in the art to look to Anderson to arrive at the claims of the present invention. Anderson specifically teaches that the use of an invoice collection and payment-type intermediary is an integral part of the system disclosed, thus making improper a claim that the present invention method and system is somehow suggested by Anderson.

In light of the arguments above and the fact that Anderson does not suggest, nor teach, but in fact directly teaches away from that claimed in the present invention, Applicant submits that rejection in light of the Gilai reference is moot. Combination of these two references does not render the present invention obvious.

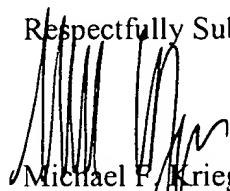
CONCLUSION

Based on the foregoing explanation and amendments to the claims, Applicant submits that the deficiencies in the application have been corrected, that the rejections under §§ 112 and 103 have been overcome, and that the claims now stand in condition for allowance.

If any impediment to the allowance of this application remains after entry of these amendments and consideration of these remarks, the Examiner is invited to initiate a telephonic interview with the undersigned.

DATED this 7 day of June, 2002.

Respectfully Submitted,

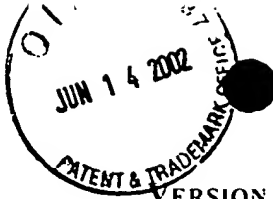


Michael P. Krieger

Attorney for Applicant  
Registration No. 35,232  
**KIRTON & McCONKIE**  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111  
(801) 328-3600

CLJ:lah

ODMA\PCDOCS\DOCS\622506\1



COPY OF PAPERS  
ORIGINALLY FILED

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. ~~(Amended)~~ A method for ~~allowing a customer to~~ electronically ~~determining~~determine, in an electronic payment system, which of a plurality of payment methods is to be employed for ~~at least one~~a vendor to be paid, said method comprising the steps of:

- a) ~~receiving from a user~~obtaining at least one vendor identifier for each of said ~~at least one~~ vendors;
- b) consulting a vendor database for a vendor database identifier corresponding to said vendor identifier;
- c) ~~when said vendor database includes said vendor identifier,~~ retrieving a preferred payment method identifier corresponding to said vendor database identifier as stored in said vendor database; ~~when said vendor database does not include a match of~~includes said vendor identifier, ~~from said~~ preferred payment method identifier indicating a preferred method of payment for said vendor;
- d) phonetically matching said vendor identifier ~~phonetically matching~~ to said vendor database identifier as stored in said vendor database and retrieving said preferred payment method identifier; ~~and when said vendor database does not include a match of said vendor identifier;~~
- e) presenting to said ~~user~~customer said vendor database identifier in a list corresponding to said preferred payment method identifier;

~~wherein said method is substantially performed and controlled by the~~ and

- f) performing and executing said method substantially on said customer's computer system of said user.

~~2. (Amended)~~ , thus eliminating the need for an invoice collection and payment intermediary.

2. The method as recited in claim 1, wherein said step of ~~receiving~~obtaining from ~~an~~ at least one vendor identifier for each of said ~~at least one~~ vendor step; further comprises the step of receiving said at least one vendor identifier for each of said ~~at least one~~ vendors from an accounts payable database created and maintained by an accounting software application.

3. ~~(Amended)~~ The method as recited in claim 1, further comprising the step of defining said plurality of payment methods to include traditional check drafting and electronic payment methods.

4. ~~(Amended)~~ The method as recited in claim 1, wherein said step of presenting to said user said vendor database identifier in a list corresponding to said preferred payment method identifier further comprises the step of when one of said ~~at least one~~ vendors to be paid is proposed for payment using one of said plurality of payment methods, reassigning said one of said ~~at least one~~ vendors to another of said plurality of payment methods.

5. ~~(Amended)~~ The method as recited in claim 1, wherein said presenting to said ~~user~~customer said vendor database identifier in a list corresponding to said preferred payment

method identifier step further comprises the steps of:

- a) from an identifier of said ~~at least one vendors~~ supplied by said ~~user~~customer, referencing a database to determine which entries of said database correspond identically or most closely to said ~~at least one vendors~~ supplied by said ~~user~~customer;
- b) when said electronic payment system locates an exact match of said identifier of said ~~at least one vendor~~, presenting said ~~at least one vendor~~ in normal text to said ~~user~~customer for verification; and
- c) when said electronic payment system finds no exact match of said identifier of said ~~at least one vendor~~, selecting one of said ~~at least one vendors~~ as an approximation of said identifier designating said one of said vendors.

6. ~~(Amended)~~ The method as recited in claim 5, wherein said step of selecting one of said at least one vendor as an approximation of said identifier ~~step further comprising~~comprises the step of ~~when one of said at least one vendor is presented conspicuously from normal~~; allowing said user to evaluate said approximation to determine if said approximation of said identifier accurately reflects said one of said at least one vendor desired by said user when one of said at least one vendor is presented conspicuously from normal.

7. ~~(Amended)~~ The method as recited in claim 1, further comprising the step of receiving a list of said ~~at least one vendors~~ as output from an accounting software application independent from said electronic payment system.

~~8. A remittance delivery system, comprising:~~  
~~a remittance preference database storing information pertaining to at least one remittance recipient;~~  
~~a translation engine for receiving preferred payment information data and remittance data and translating and formatting said remittance data into one preferred formats; and~~  
~~a remittance generating engine that receives said and forwards said formatted remittance data to said at least one remittance recipient based on the information stored in said remittance preference database.~~

9. A method for allowing a customer to electronically determine which of a plurality of payment methods is to be used to pay a vendor, and to transmit remittance data paying a vendor and transmitting remittance data, each using an electronic system, said method comprising the steps of:

- a) receiving~~obtaining~~ an outstanding invoice from ~~at least one~~a vendor;
- b) processing said invoice through a computerized accounting application program to output accounts payable check data;
- c) assigning said ~~at least one~~ vendor a vendor identifier;  
~~based upon said accounts payable check data;~~
- d) determining whether to pay said vendor by paper check or electronically by consulting a vendor database for a vendor database identifier corresponding to said vendor identifier, said step of determining based upon said accounts payable check data;

- c) retrieving a preferred payment method identifier when said vendor database includes said vendor identifier, ~~retrieving a preferred~~said payment method identifier corresponding to said vendor database identifier as stored in said vendor database;
- ~~when said vendor database does not include a match of~~
- ~~—~~ f) phonetically matching said vendor identifier, ~~from said vendor identifier,~~  
phonetically matching to said vendor database identifier as stored in said vendor database and subsequently retrieving said preferred payment method identifier,  
said step of phonetically matching occurring when said vendor database does not include a match of said vendor identifier;
- g) presenting to said ~~user~~customer said vendor database identifier in a list corresponding to said preferred payment method identifier;
- h) paying said vendor according to said preferred payment method identifier;
- i) storing, in a remittance preference database, remittance data pertaining to ~~at least one~~a remittance recipient;
- j) translating and formatting, via a translation engine, said remittance data into one of a plurality of preferred formats; ~~and~~
- k) forwarding, via a remittance generating engine, said formatted remittance data received from said translation engine to said ~~at least one~~ remittance recipient based on the information stored in said remittance preference database;
- ~~wherein said method is substantially performed and controlled by the~~ and
- l) performing and executing said method substantially on said customer's computer system of said user, thus eliminating the need for an invoice collection and payment intermediary.

622506.1